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POSSIBLE POINTS OF DIFFICULTY IN DEMARCATION  
OF THE PERU-ECUADOR BOUNDARY

In considering the various provisions of Article Eight of the Rio Protocol a great many questions of interpretation arise since the Protocol is necessarily general. The following is by no means a complete list of questions which may arise since much of the area under consideration is unknown and difficulties can be expected when the nature of the terrain becomes familiar through actual demarcation:

1. Boca de Capones-- Several questions have already arisen concerning the exact location of the Boca de Capones and its relationship to various islands at the mouth of the Zarumilla River. Ecuadoran maps show the Boca de Capones as lying between the mainland and the Island of Payana. Ecuador contends that this gives Payana to Ecuador which has traditionally held it. Peruvian maps show Payana as being two islands, Payana and Salinas, with the Boca running between. This interpretation would in effect give Peru sole control of the Ecuadoran version of the Boca de Capones. The preliminary charts of the United States Hydrographic Service, made by the survey of the U.S.S. Sumner in the summer of 1940, substantiate the Ecuadoran interpretation of one island. During the survey, moreover, the Ecuadoran flag was observed flying in the town of San Gregorio on the northern tip of the island.

Also involved here is ownership of Correa Island. The problem is related to the question of the mouths of the Zarumilla.

2. Point 2 specifies the boundary as lying along the Zarumilla River and up its extension, the "Quebrada Balsamal or Lajas". Two questions arise on the mouth of the Zarumilla. From the best information available, the Zarumilla does not have a single channel or even a principal channel. Determination of which channel shall be used may have some relationship on the ownership of Correa Island. More pertinently it will affect ownership of Matapalo Island which is formed by the two principal mouths of the Zarumilla. This Island was a principal source of controversy in the outbreaks of 1936 and it was only with difficulty after

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that time that Peru persuaded Ecuador to evacuate it. It was apparently reoccupied by Ecuadoran forces at a later date, because a survey party of the U.S.S. Sumner in 1940, while passing just north of the Island, was fired upon. Investigation later showed the act to have been committed by an Ecuadoran garrison which thought the party was Peruvian. Aerial photographs of the island show that the west mouth of the Iarumilla flows through an appreciably longer channel than does the east mouth. This might favor the Ecuadoran contention of ownership of the island. Only an expert geographical survey, however, can determine which of the channels is meant by the Protocol thereby settling the question of the Island. It should be kept in mind that the Iarumilla, particularly in its lower courses meanders a good deal with the result that at flood time the principal channels have a tendency to change.

The second question in connection with the lower reaches of the Iarumilla concerns the argument over the old river channel. There seems to be no doubt but that an old channel does exist but is now dry. The area between the old and new channels is only a few square miles. Peru claims the old channel, Ecuador claims the new. This is not so much a question of geography as it is of negotiation.

In its upper reaches, the Iarumilla becomes the Quebrada Balsamal and the Lajas. Ecuador asserts that the Balsamal is the principal river and the Lajas a tributary thereof and that, therefore, the boundary follows the Balsamal to its source rather than to the source of the Lajas. Peru claims the source of the Lajas as the boundary which projects the boundary to the east. From a geographic point of view the question can be answered by determining which of the two is the principal river.

From the Balsamal or Lajas it is necessary to bridge the gap to Point 3 which is the Puyango River. The question here is, Does this line run from source to source, or from the source of the Balsamal or Lajas along the meridian to the Puyango? do, Does it run from the source of the Balsamal or Lajas by the shortest line to the Puyango?

3. The Puyango River or Tumbes to the Quebrada de Cazaderos--There does not appear to be any problem involved in this point.

4. Cazaderos--

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4. Cazaderos--There are three places known as Cazaderos: a river, town, and an hacienda. Peru contends that the river is the correct interpretation of the Protocol. Ecuador contends that the correct interpretation is to draw the line from the confluence of the Cazaderos with the Puyango to the hacienda called Cazaderos, which lies west of the river, thence to the source of the Cazaderos River. From a literal interpretation of the Treaty, the Peruvian argument would seem more reasonable. The Ecuadoran contention conforms more closely to the 1936 Statue Quo line.

5. The Quebrada de Pilares and the Alamor to the Chira Rivers--Is the gap between Points 4 and 5 bridged by the meridian from source to river, or is it a straight line from source to source? Where is the source of each river? There appears to be no question concerning the Pilares and the Alamor.

6. The Chira River upstream--No question.

7. The Macará, Calvas and Espíndola Rivers upstream to the source of the last mentioned in the Nudo de Sabanillas--The rivers themselves raise no difficulty but there is considerable difficulty concerning the source of the Espíndola in the Nudo. It is impossible to foresee what other questions may arise here due to the exceedingly rugged nature of the Nudo. Only an actual survey can raise and answer the questions.

8. From the Nudo de Sabanillas to the Canchis River--Where does the line reach the Canchis River? At the source, and if so, Where is the source? At the shortest point from the Nudo and, if so, How to determine the shortest point through the mountains? Ecuador may raise a question in this sector concerning the so-called Free Indian Lands, which, in the past, it has maintained it must control. If so, How do these Lands affect the line, and Where are the Lands? Are their boundaries well-known and generally accepted?

9. Along the Canchis River downstream--No question.

10. The Chinchipe River downstream to a point at which it receives the San Francisco River--No question.

11. From the Quebrada de San Francisco along the "divortium aquarum" between the Zamora and Santiago Rivers

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to the confluence of the Santiago with the Yaupi--This may well prove to be one of the most difficult stretches along the whole frontier. The first question is, Does the expression "Quebrada de San Francisco" mean that the boundary follows the River, or does it merely refer to the mouth of the River? The second point is the "Divortium aquarum" between the Zamora and the Santiago. For a considerable distance through this area it seems unlikely that the "divortium aquarum" exists at all since half-way up the line the Zamora turns west and then north. It is not inconceivable that through this area a "divortium aquarum" due to the mountains might run east and west without ever approaching the other lines. Since there are no good maps available, it is furthermore not inconceivable that in the northern half a "divortium aquarum" does not exist or that it would prove totally unsuitable as a boundary line. Ignorance of the area is such that it is impossible to deal with the problem in more than very general terms until a survey has been made. It does seem probable, however, that there will be many difficulties in the sector.

12. A line to the mouth of the Bobonaza at the Pastaza--What kind of a line? In this region the rivers meander and the territory between the rivers is largely unknown. It is quite possible that a straight line would cut off bends in various rivers giving them to one country or to the other and separating them from ownership of the main channel on either side of the bend. This same point applies to the entire Oriente region.

The confluence of the Cunambo River with the Pintoyacu on the Tigre River--Apparently the confluence of these two Rivers forms the Tigre. What kind of a line from the Pastaza?

13. The mouth of the Cononaco on the Curaray and downstream to Bellavista--Problems here are in general the same as those for the other sections of the Oriente.

14. A line to the mouth of the Yasuni on the Napo River, along the Napo downstream to the Aguarico--No question beyond general problems of the Oriente.

15. The Aguarico upstream to the confluence of the Lagartococha or Zancudo with the Aguarico--No question.

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16. The Lagartococha River or Zanudo upstream to its sources--Are the Lagartococha and the Zanudo the same? Does the Lagartococha continue as a River or does it become a lake or swamp? If it is a lake, which shore? Does the Zanudo flow into or out of such a lake? Is there a river named Lagartococha beyond a lake of the same name? If so, where is the source of the Lagartococha?

"From there a straight line which will meet the Guepi River"--Does this line follow the meridian from the source of the Lagartococha until it intersects the Guepi or is it a line from source to source? The line then follows the Guepi River to its mouth on the Putusayo River.

There are certain general considerations which will have to be answered. Article Nine makes provision for adaptation of the line to "geographic realities". What are "geographic realities"? Are they technical and scientific considerations, and if so, what are the geographic principles which are to be applied? Or are they loopholes for political quibbling in which argument and pressure would be the determining factors? In referring to a river as a boundary, does this mean either bank or the thalweg? Where there is a question, does traditional possession play any part? Where two places have the same name, which governs?

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